

**REMARKS / ARGUMENTS**

**General Remarks**

Claims 1-90 remain in this application. Claims 91-174 have been withdrawn, in response to an earlier restriction requirement. Applicants retain the right to present claims 91-174 in a divisional application.

Claims 175-185 have been added. Applicants respectfully assert that claims 175-185 are novel and nonobvious over the prior art of record, and earnestly solicit a timely Notice of Allowance for these claims.

**Objection to Certain Claims as Being Dependent Upon Rejected Base Claim**

The Examiner has objected to claims 3, 4, 10-12, 20-22, 26-32, 37, 38, 41, 42, 45, 48, 49, 55-57, 65-67, 71-77, 81-83, 86, 87, and 90 as being dependent upon a rejected base claim, and has indicated that each claim would be allowable, if rewritten in independent form to include all limitations of the base claim and any intervening claims. Applicants have amended certain of the abovementioned claims as needed to ensure that none of the abovementioned claims remain dependent upon a rejected base claim.

**Objection to Claims 38 and 83 as Lacking Antecedent Basis for Certain Elements**

The Examiner has further objected to claims 38 and 83 as lacking antecedent basis for the terms “the zeolite” and “the dispersing agent.” Applicants have amended each claim to correct the lack of antecedent basis.

**Rejection of Certain Claims Under 35 U.S.C. § 102(b) in view of the ‘867 Patent**

Claims 1, 2, 5-9, 13-19, 23-25, 33-35, 39, 40, 43, 44, 46, 47, 50-54, 58-64, 68-70, 78-80, 84, 85, 88, and 89 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 6,767,867 to Chatterji et al (the “‘867 Patent”).

With respect to claim 1, Applicants have amended this claim to specify that the fluid loss control additive further comprises an inorganic compound, which Applicants respectfully assert that the ‘867 Patent neither discloses nor suggests. Therefore, Applicants respectfully assert that claim 1, as currently amended, is novel and nonobvious over the ‘867 Patent. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b) against claim 1, as well as the dependent claims 2, 5-9, 13-19, 23-25, and 33-35 that depend (either directly or indirectly) from claim 1, and further request the timely issuance of a Notice of Allowance for these claims.

With respect to claim 39, Applicants have amended this claim to specify that the fluid loss control additive further comprises an inorganic compound, which Applicants respectfully assert that the ‘867 Patent neither discloses nor suggests. Therefore, Applicants respectfully assert that claim 39, as currently amended, is novel and nonobvious over the ‘867 Patent. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b) against claim 39, as well as the dependent claims 40, and 43-44 that depend (either directly or indirectly) from claim 39, and further request the timely issuance of a Notice of Allowance for these claims.

With respect to claim 46, Applicants have amended this claim to specify that the fluid loss control additive further comprises an inorganic compound, which Applicants respectfully assert that the ‘867 Patent neither discloses nor suggests. Therefore, Applicants respectfully assert that claim 46, as currently amended, is novel and nonobvious over the ‘867 Patent. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b) against claim

46, as well as the dependent claims 47, 50-54, 58-64, 68-70, and 78-80 that depend (either directly or indirectly) from claim 46, and further request the timely issuance of a Notice of Allowance for these claims.

With respect to claim 84, Applicants have amended this claim to specify that the fluid loss control additive further comprises an inorganic compound, which Applicants respectfully assert that the ‘867 Patent neither discloses nor suggests. Therefore, Applicants respectfully assert that claim 84, as currently amended, is novel and nonobvious over the ‘867 Patent. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b) against claim 84, as well as the dependent claims 85, and 88-89 that depend (either directly or indirectly) from claim 84, and further request the timely issuance of a Notice of Allowance for these claims.

**Rejection of Certain Claims Under 35 U.S.C. § 102(b) in view of the Crema References**

Claims 39, 40, 43, 44, 84, 85, 88, and 89 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,092,935 to Crema et al, or EP 0444489A1 to Crema et al. (the “Crema References”).

As noted above, Applicants have amended claims 39 and 84 to specify that the fluid loss control additive recited therein further comprises an inorganic compound, which Applicants respectfully assert that neither of the Crema References discloses or suggests. Therefore, Applicants respectfully assert that claims 39 and 84, as currently amended, each are novel and nonobvious over the Crema References. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b) against claims 39 and 84, as well as the dependent claims 40, and 43-44 that depend (either directly or indirectly) from claim 39, and the dependent claims 85, 88 and 89 that depend (either directly or indirectly) from claim 84, and further request the timely issuance of a Notice of Allowance for these claims.

**SUMMARY**

In light of the above remarks and amendments, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that there are no fees due in association with this filing of this Amendment and Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to Baker Botts L.L.P. Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 063718.0152.

Respectfully submitted,

BAKER BOTT'S L.L.P. (023640)

By:

  
Thomas M. Morrow  
Reg. No. 55,469  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002-4995  
Telephone: 713.229.4006  
Facsimile: 713.229.7906  
EMail: Tom.Morrow@bakerbotts.com

October 29, 2004